

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.



BY: John Jamieson

Date: March 22, 2004

MAIL STOP ISSUE FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

Matthew Felix Agostini *et al.*

Conf. No.: 5114

: Group Art Unit: 3712

Appln. No.: 10/696,288

: Examiner: Urszula M. Cegielnik

Filing Date: October 29, 2003

: Attorney Docket No.: 8702-112U1

Title: Projectile Shooting Toy

COMMENT ON REASONS FOR ALLOWANCE

Applicants appreciate the first action allowance of the above-identified application. However, Applicants note for the record that Applicants do not acquiesce in the one stated reason of the Examiner or accept any negative inferences or claim construction limitations that flow therefrom. In particular, it is expressly noted that the Reasons for Allowance are not intended to be all encompassing or all exclusive. So, for example, although the Examiner characterizes the prior art as lacking an outlet at a second end, the Examiner could have equally characterized the art as lacking an inlet at the one end.

Applicants therefore reserve the right to argue any other bases for allowability of the claims, if necessary, in any future proceeding.

Respectfully submitted,

Matthew Felix Agostini *et al.*

22 Mar - 2004
(Date)

By:

John Jamieson
JOHN JAMIESON

Registration No. 29,546

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200, **Direct Dial: 215-965-1310**

Facsimile: 215-965-1210

E-Mail: jjamieson@akingump.com

JJ/vbm